

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended) A light-emitting diode comprising:  
a semiconductor substrate; and  
a layered structure comprising an AlGaInP type compound semiconductor material and provided on the semiconductor substrate,  
wherein the layered structure comprises:  
a light-emitting structure composed of a pair of cladding layers and an active layer for emitting light provided between the pair of cladding layers; and  
a current diffusion layer comprising an AlGaInP type material which is lattice-mismatched with the light-emitting structure, wherein a lattice mismatch  $\Delta a/a$  of the current diffusion layer with respect to the light-emitting structure defined by the following expression is -1% or smaller:

$$\Delta a/a = (a_d - a_e)/a_e$$

where  $a_d$  is a lattice constant of the current diffusion layer, and  $a_e$  is a lattice constant of the light-emitting structure, and

wherein crystal of the semiconductor substrate is inclined by 8° (degrees) to 20° (20 degrees) in a [110] direction with respect to a (100) plane thereof.

2. (Cancelled)

3. (Previously Presented) A light-emitting diode according to claim 1, wherein a composition of the current diffusion layer is selected in such a manner that the current diffusion layer becomes transparent with respect to a wavelength of light emitted from the light-emitting structure.

4. (Previously Presented) A light-emitting diode according to claim 1, wherein a composition of the current diffusion layer is expressed as  $(Al_xGa_{1-x})_yIn_{1-y}P$ , and  $x$  is set in the range of 0.01 to 0.05 and  $1-y$  is set in the range of 0.01 to 0.30 in the composition.

5. (Currently Amended) A light-emitting diode ~~according to claim 1, comprising:~~  
a semiconductor substrate; and  
a layered structure comprising an AlGaInP type compound semiconductor  
material and provided on the semiconductor substrate,  
wherein the layered structure comprises:

a light-emitting structure composed of a pair of cladding layers and an  
active layer for emitting light provided between the pair of cladding layers; and

a current diffusion layer comprising an AlGaInP type material which is  
lattice-mismatched with the light-emitting structure, wherein a lattice mismatch  $\Delta a/a$  of  
the current diffusion layer with respect to the light-emitting structure defined by the  
following expression is -1% or smaller:

$$\Delta a/a = (a_d - a_e)/a_e$$

where  $a_d$  is a lattice constant of the current diffusion layer, and  $a_e$  is a lattice constant of  
the light-emitting structure, and

wherein a composition of the current diffusion layer is expressed as  $(Al_xGa_{1-x})_yIn_{1-y}P$ , and at least one of a value of  $x$  and a value of  $1-y$  in the composition varies along a thickness direction of the layered structure.

6. (Currently Amended) A light-emitting diode ~~according to claim 1, comprising:~~  
a semiconductor substrate; and  
a layered structure comprising an AlGaInP type compound semiconductor  
material and provided on the semiconductor substrate,  
wherein the layered structure comprises:

a light-emitting structure composed of a pair of cladding layers and an active layer for emitting light provided between the pair of cladding layers; and

a current diffusion layer comprising an AlGaInP type material which is lattice-mismatched with the light-emitting structure, wherein a lattice mismatch  $\Delta a/a$  of the current diffusion layer with respect to the light-emitting structure defined by the following expression is -1% or smaller:

$$\Delta a/a = (a_d - a_e)/a_e$$

where  $a_d$  is a lattice constant of the current diffusion layer, and  $a_e$  is a lattice constant of the light-emitting structure, and

wherein a composition of the current diffusion layer is expressed as  $(Al_xGa_{1-x})_yIn_{1-y}P$ , and at least one of a value of  $x$  and a value of  $1-y$  in the composition decreases in a step-like manner along a thickness direction of the layered structure from an interface with the light-emitting structure toward opposite end of the current diffusion layer.

7. (Currently Amended) A light-emitting diode ~~according to claim 1,~~ comprising:  
a semiconductor substrate; and  
a layered structure comprising an AlGaInP type compound semiconductor material and provided on the semiconductor substrate,

wherein the layered structure comprises:

a light-emitting structure composed of a pair of cladding layers and an active layer for emitting light provided between the pair of cladding layers; and

a current diffusion layer comprising an AlGaInP type material which is lattice-mismatched with the light-emitting structure, wherein a lattice mismatch  $\Delta a/a$  of the current diffusion layer with respect to the light-emitting structure defined by the following expression is -1% or smaller:

$$\Delta a/a = (a_d - a_e)/a_e$$

where  $a_d$  is a lattice constant of the current diffusion layer, and  $a_e$  is a lattice constant of the light-emitting structure, and

wherein a composition of the current diffusion layer is expressed as  $(Al_xGa_{1-x})_yIn_{1-y}P$ , and at least one of a value of  $x$  and a value of  $1-y$  in the composition varies in a step-like manner along a thickness direction of the layered structure from an interface with the light-emitting structure toward opposite end of the current diffusion layer, thereby controlling a resistivity of the current diffusion layer in the thickness direction.

8. (Previously Presented) A light-emitting diode according to claim 5, wherein both the values of  $x$  and  $1-y$  in the composition of the current diffusion layer vary, independent of each other.

9. (Previously Presented) A light-emitting diode according to claim 6, wherein both the values of  $x$  and  $1-y$  in the composition of the current diffusion layer decrease, independent of each other.

10. (Previously Presented) A light-emitting diode according to claim 7, wherein both the values of  $x$  and  $1-y$  in the composition of the current diffusion layer vary, independent of each other.

11. (Canceled)

12. (Canceled)

13. (Canceled)

14. (Canceled)

15. (Cancelled)

16. (Cancelled)